



CRL OP(MD) No.23346 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23346 of 2023

KAVIRIVEL@ KATHIRVEL

... PETITIONER / SOLE ACCUSED

Vs

**THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SATTUR,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 10 OF 2023**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.UDHAYAKUMAR.R Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

PRAYER:

TO ENLARGE THE PETITIONER ON BAIL IN SPL.S.C.NO.122 OF 2023 ON THE FILE OF THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, 2012 VIRUDHUNAGAR DISTRICT, SRIVILLIPUTHUR (FULL ADDITIONAL CHARGE) PENDING TRIAL IN CRIME NO.10 OF 2023 on the file of the respondent police

ORDER : The Court Made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 27.05.2023 for the offences punishable under Sections 452, 376(3) IPC and Section 5(j) (ii) r/w. 6 of POCSO Act, 2012, in Crime No.10 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.01.2023, the petitioner had trespassed into the house of the victim and committed penetrative sexual assault on the victim, who is aged about 14 years and as a result of which, she became pregnant. Hence the case.

3.Heard the learned counsel on either side and perused the material records of the case.

4.It appears that this is the second application for bail and the earlier bail application filed by the petitioner in CrI.OP(MD)No.20535 of 2023 was dismissed by this Court on 16.11.2023, considering the gravity of the offence committed by the petitioner. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.

5.Considering the above facts and circumstances of the case and also the fact that there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.



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6. In the result, this Criminal Original Petition is dismissed.

sd/-

03/01/2024

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/01/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, 2012
VIRUDHUNAGAR DISRICT,
SRIVILLIPUTHUR (FULL ADDITIONAL CHARGE.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SATTUR,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.23346 of 2023

Date :03/01/2024

PKP/DD/SAR- /11.01.2024/ 3P/5C

Madurai Bench of Madras High Court is issuing certified

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